

REMARKS

Claims 10-15 and 22 remain in the application. Reconsideration of the rejection is respectfully requested in light of the following reasons.

Substance of Examiner Interview

The undersigned and the Examiner conducted a telephonic interview on September 26, 2006. The undersigned explained to the Examiner that U.S. Publication No. 2004/0088646, cited in the office action of July 24, 2006, discloses tunneling (i.e. pass through route) through a firewall rather than redirection as required by claims 10 and 22. The Examiner agreed and informed the undersigned not to prepare a response to that office action as he will issue a new one.

Claim Rejection -- 35 U.S.C. § 103 (Templin and Schneider)

Claims 10-14 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 5,781,550 to Templin et al. (“Templin”) and U.S. Publication No. 2004/0158741 by Schneider (“Schneider”). The rejection is respectfully traversed.

There are three requirements to establish a prima facie case of obviousness. First, there must be some suggestion or motivation to modify a reference or to combine references. Second, there must be a reasonable expectation of success. Third, the prior art reference or combined references must teach or suggest all the claim limitations. See MPEP § 2143.

A. CLAIMS 10-13 and 22

The plain language of claim 10 requires redirection of a file involved in a peer-to-peer transfer from a first peer node to an interception node, and then transfer of the file from the interception node to a second peer node. The file is originally intended to be

transferred directly from the first peer node to the second peer node as is consistent with peer-to-peer transfer.

The combination of Templin and Schneider does not teach or suggest redirection of files involved in a peer-to-peer data transfer.

Claim 10 is patentable over the combination of Templin and Schneider at least for reciting: “**redirecting** the file from a first peer node to an interception node, the file being originally intended to be transferred directly from the first peer node to a second peer node” (emphasis added).

As noted in the last office action, Templin does not teach file transfer in a peer-to-peer computer network. This is not surprising given that Templin pertains to a computer gateway. Templin FIG. 1 is reproduced below for ease of discussion.

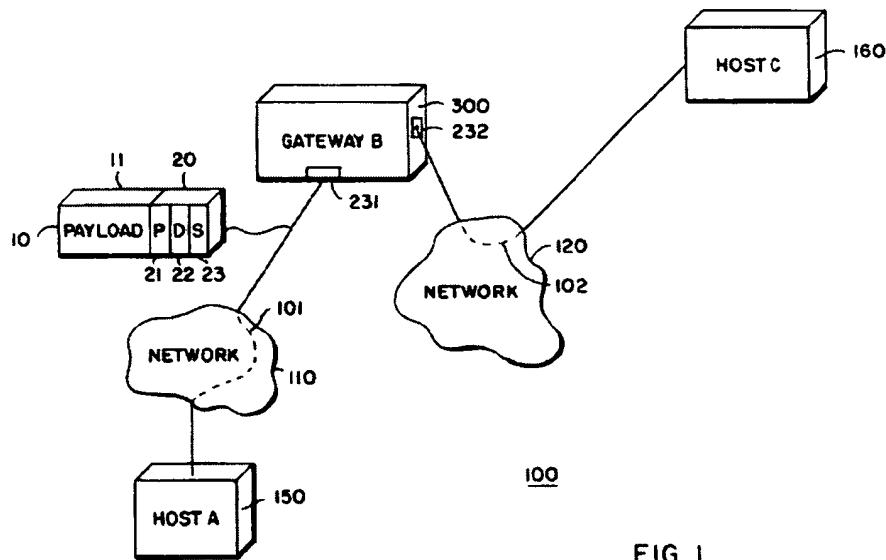


FIG. 1

As shown in Templin FIG. 1, Templin's gateway 300 connects network 110 to network 120 (Templin, col. 3, line 66 to col. 4, line1). As is conventional with gateway architectures, data being transferred between computer 150 and computer 160 must physically pass through the interfaces 231 and 232 of the gateway 300 (Templin, col. 5, lines 12-15). That is, the gateway 300 receives **all** data being transferred between networks 110 and 120 because of its centralized gate keeping location. This is also

evident in Templin, col. 3, lines 21-31, which describes that the destination address of packets received in the gateway 300 is that of the destination computer, not that of the gateway 300. In other words, the gateway 300 receives data by **interception, not redirection** as required by claim 10.

Therefore, it is respectfully submitted that claim 10 is patentable over the combination of Templin and Schneider.

The combination of Templin and Schneider does not teach or suggest processing a file being transferred between two peer nodes in a peer-to-peer data transfer.

The plain language of claim 10 requires “transferring the file from the interception node to the second peer node.” As explained above, Templin does not even pertain to peer-to-peer networks. The last office action suggests that Schneider discloses peer-to-peer networks and that it would have been obvious to modify Templin “to a method of transferring a file in a peer-to-peer computer network.” The Applicant respectfully disagrees with this conclusion.

Schneider FIG. 1 is reproduced below for ease of discussion.

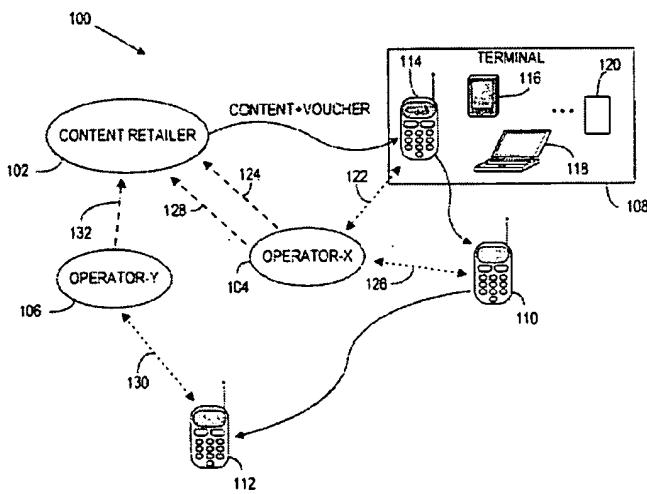


FIG. 1

In Schneider, peer-to-peer data transfer may be performed between terminals 108, 110, and 112. Prior to the peer-to-peer data transfer, data may first be transferred to the

operator-X 104 or operator-X 106. This allows virus infected data to be quarantined within the terminal 108, 110, and 112 (Schneider, paragraph 37). Note, however, that the peer-to-peer data transfer itself is still directly between two terminals. That is, the peer-to-peer data transfer is still from one terminal to another (see arrows between terminals). This is conventional peer-to-peer data transfer and does not involve processing of files sent from one terminal to another. Data transfer between terminals is direct as expected of peer-to-peer networks.

In conclusion, Templin pertains to gateways, not peer-to-peer computer networks. Templin does not teach or suggest processing data being transferred from one peer node to another peer node in a peer-to-peer data transfer. Schneider pertains to peer-to-peer computer networks. However, like Templin, Schneider does not teach or suggest processing data being transferred from one peer node to another peer node in a peer-to-peer data transfer. As Schneider proves, conventional peer-to-peer data transfer does not involve processing of data in the middle of the peer-to-peer transfer. Since neither Templin nor Schneider teaches or suggests processing of data involved in a peer-to-peer data transfer, it is respectfully submitted that their combination cannot possibly read on claim 10. Processing of data in a peer-to-peer data transfer is only taught in the present application, not in any of the references of record.

Therefore, it is respectfully submitted that claim 10 is patentable over the combination of Templin and Schneider.

There is no motivation to combine Templin and Schneider

Claim 10 is also patentable over the combination of Templin and Schneider because there is no motivation to combine their teachings in the manner claimed.

According to the last office action, one of ordinary skill in the art would be motivated to modify Templin to a method of transferring a file in a peer-to-peer computer network “in order to control communication content between two terminals, and more particularly control the proliferation of virus infected content by outsourcing virus scanning services,” citing to Schneider paragraph 1. It is respectfully submitted that

outsourcing of virus scanning services in Schneider involves doing the scanning using another computer **prior** to the peer-to-peer data transfer between terminals. As applied to Temlin, this would result in the data being processed for virus scanning **before** the data is even transferred from the computer 150 to the computer 160 by way of the gateway 300. Therefore, it is respectfully submitted that the proposed combination would result in a topology much different from that recited in claim 10.

Furthermore, Temlin pertains to data transfer by proxy, which is opposite to that of peer-to-peer. One is a replacement for the other. In Temlin, the gateway 300 serves as a proxy in a data transfer between two computers (Temlin, col. 3, lines 21-31). As is conventional with proxies, the gateway 300 uses its address to communicate with the other computer. In other words, the gateway running the proxy communicates with one computer, serving as a proxy for another. Peer-to-peer, on the other hand, involves direct data transfer between two computers. Modifying Temlin to perform peer-to-peer data transfer would necessarily require removal of the proxy function of Temlin's gateway 300, making the gateway 300 unsuitable for its intended use.

For at least the above reasons, it is respectfully submitted that claim 10 is patentable over the combination of Temlin and Schneider.

Claims 11-13 depend on claim 10. Therefore, it is respectfully submitted that claims 11-13 are patentable over the combination of Temlin and Schneider at least for the same reasons that claim 10 is patentable.

Claim 22 is patentable over the combination of Temlin and Schneider at least for the same reasons given for claim 1.

B. CLAIM 14

Claim 14 is patentable over the combination of Temlin and Schneider at least for reciting: "informing the second peer node that an address of the first peer node is that of the interception node." According to the last office action, Temlin discloses this limitation in col. 3, lines 22-29.

The gateway receives a packet having a source address of the trusted computer, **a destination address**, and a first payload. The packet, according to rules stored in a configuration database, is intercepted and diverted to a proxy server of the gateway if the **destination address references an untrusted computer**. The proxy server extracts the payload from the packet, and generates a new packet having a source address of the gateway, **the destination address of the untrusted computer**, and the payload.

Templin, col. 3, lines 22-29 (emphasis added)

As is explicit from the cited portion of Templin, the packets received by the gateway contain the source address of the trusted computer and, more importantly, the destination address of the untrusted computer. That is, the packets are not redirected to the gateway by informing the trusted computer that the address of the untrusted computer is that of the gateway, as would be required to read on claim 14. This is not surprising given that Templin's gateway does not even perform redirection. Templin's gateway intercepts packets by simply being deployed in-line with the data transfer path.

Therefore, it is respectfully submitted that claim 14 is patentable over the combination of Templin and Schneider.

Claim Rejection -- 35 U.S.C. § 103 (Templin, Schneider, and Morris)

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Templin and Schneider as applied to claim 10, and further in view of U.S. Patent No. 6,629,100 to Morris et al. ("Morris"). The rejection is respectfully traversed.

C. CLAIM 15

Claim 15 recites the method of transferring the file from the interception node to the second peer node. According to the plain language of claim 15, this is performed by "querying a P2P server for location information of peer nodes involved in a transfer of the file" and "based on a response from the P2P server, identifying the second peer node as a node involved in the transfer of the file from the first peer node."

As noted in the last office action, neither Templin nor Schneider teaches querying a P2P server in transferring the file from the interception node to the second peer node. This is not possible in Templin as it does not pertain to peer-to-peer networks, and accordingly does not disclose a P2P server. This is also not possible in Schneider as it only discloses conventional peer-to-peer data transfer, i.e., no interception node.

According to the last office action, Morris discloses querying a P2P server for location information of peer nodes involved in a transfer of files (citing to Morris col. 8, lines 1-9) and based on a response from the P2P server, identifying the second peer node as a node involved in the transfer of the file from the first peer node (citing to Morris col. 8, lines 10-21). It is respectfully the cited sections of Morris do not relate to identifying nodes **involved in a data transfer** as required by claim 15. The cited portions of Morris merely disclose identification of peer nodes that maintain and provide metadata. Morris does not disclose maintenance of records of peer nodes involved in a data transfer.

Furthermore, it is worth pointing out that claim 15 requires the step of querying to be part of the method of transferring the file **from the interception node**. In Morris, the P2P server provides services to peer nodes, not interception nodes. Therefore, Morris cannot possibly disclose querying of a P2P server in the step of transferring the file from the interception node to the second peer node.

Therefore, it is respectfully submitted that claim 15 is patentable over the combination of Templin, Schneider, and Morris.

Conclusion

For at least the above reasons, it is believed that claims 10-15 and 22 are in condition for allowance. The Examiner is invited to telephone the undersigned at (408)436-2112 for any questions.

If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 50-2427.

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Respectfully submitted,
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